

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALEXANDRA NORWOOD,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Criminal Case No. 07-20454
Civil Case No. 10-11977

HON. SEAN F. COX
United States District Judge

ORDER DENYING PETITIONER'S

MOTION FOR RECONSIDERATION (DOCKET ENTRY NOS. 76 & 77)
AND DECLINING TO ISSUE CERTIFICATE OF APPEALABILITY

In an Opinion and Order issued on September 30, 2010, this Court granted the Government's Motion to Dismiss and dismissed Petitioner's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. (Docket Entry No. 74). Thereafter, Petitioner filed a motion seeking reconsideration. (Docket Entry No. 76 & 77).

Having considered Petitioner's motion, the Court continues to conclude that Petitioner's § 2255 motion was properly dismissed because he knowingly and voluntarily waived his right to seek collateral relief when he signed the Rule 11 Plea Agreement in this matter.

The Court also concludes that a certificate of appealability should not issue. When a district court denies habeas relief on procedural grounds without reaching the petitioner's constitutional claims, a certificate may issue only if the petitioner shows that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. Daniel*, 529 U.S. 473, 484-85 (2000). This Court does not believe that reasonable jurists would find it debatable as to whether this Court is correct in its ruling.

The Court shall therefore decline to issue a certificate of appealability.

Accordingly, IT IS ORDERED that Petitioner's Motion for Reconsideration is DENIED.

IT IS FURTHER ORDERED that the Court declines to issue a certificate of appealability.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: November 10, 2010

I hereby certify that on November 10, 2010, a copy of the foregoing document was served upon counsel of record via electronic means and upon Alexandra Norwood via First Class Mail at the address below:

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S/J. Hernandez
Case Manager